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2                   **UNITED STATES DISTRICT COURT**  
3                   **FOR THE WESTERN DISTRICT OF NEW YORK**

4  
5                   Jonathan Paul Catlin  
6                   Plaintiff

7                   vs.

8  
9                   Northland Group, Inc.  
10                  Defendant

11                 CASE NO. 16 CV 6044 L  
12                 JUDGE: \_\_\_\_\_

13                 COMPLAINT FOR VIOLATIONS OF 47  
14                 U.S.C. §227;  
15                 ACTUAL DAMAGES, STATUTORY  
16                 DAMAGES and PUNITIVE DAMAGES

17                 DEMAND FOR TRIAL BY JURY

18                 **INTRODUCTION & OPENING STATEMENT**

19                 This is an action brought by Plaintiff against Northland Group, Inc. for violations of the  
20                 Telephone Consumer Protection Act, 47 USC § 227 (herein after "47 USC § 227").

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22                 **I. JURISDICTION and VENUE**

- 23                 1.         This action arises under 47 U.S.C. §227. The jurisdiction of this court is founded on  
24                 federal question jurisdiction, 28 U.S.C. §1331.  
25  
26                 2.         Venue is proper because the events giving rise to Plaintiff's causes of action occurred  
27                 within this district, as provided in 28 U.S.C. § 1331(b)(2).

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29                 **II. PARTIES**

- 30                 3.         Plaintiff, Jonathan Paul Catlin, herein after "Plaintiff", at all times relevant herein, was  
31                 domiciled in the town of Naples, New York.  
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33                 4.         Plaintiff is informed and believes that Defendant, Northland Group, Inc., herein after  
34                 "Defendant", is a Minnesota Corporation. Defendant's registered office address is: 7831 Glenroy  
35                 Road #350, Edina, MN 55439.

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**PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

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4 5. The plaintiff has **not** begun any other lawsuits in state or federal court dealing with the  
5 same facts involved in this action.  
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**CONDITIONS PRECEDENT**

8 6. All conditions precedent have been performed or have occurred.  
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**COUNT I**

11  
**(47 U.S.C. §227; Prohibitions on calls to a cell phone)**

12 7. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 7 above  
13 and incorporates the same as if set forth in full.

14 8. From about November 2013 through December 2013, Defendant called Plaintiff's cell  
15 phone no less than 15 times. Plaintiff intends to propound discovery to reveal the exact number  
16 of calls placed to Plaintiff's cell phone by Defendant.

17 9. Defendant used an automatic telephone dialing system to place these calls.

18 10. Plaintiff has no contract or business relationship with Defendant, and has never given  
19 Defendant express consent to call Plaintiff's cell phone.

20 11. As a direct result of Defendant's actions described in Count I, Plaintiff has suffered  
21 harassment, disruption of work flow, loss of productivity at work, disruption of family life, loss  
22 of quality time with family, loss of sleep, and emotional distress including, but not limited to,  
23 stress, agitation, anxiety, and frustration, all to his injury.

24 12. The federal basis for this claim is 47 U.S.C. §227(b)(1)(A) and 47 U.S.C. §227(b)(3).  
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**SUMMARY OF RELIEF SOUGHT**

28 WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- 29 a) For statutory damages of \$1,500.00 per call;  
30 b) Actual damages;  
31 c) For punitive damages in the amount allowed by law;  
32 d) Reasonable costs of time to pursue the suit;  
33 e) Reasonable Attorneys fees, and costs; and,  
34 f) Such other relief as this Court may find to be just and proper.  
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1  
2                   **DEMAND FOR TRIAL BY JURY**  
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4                   **I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND**  
5                   **CORRECT TO THE BEST OF MY KNOWLEDGE.**

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7                   EXECUTED this 22<sup>nd</sup> day of January, 2016.  
8

9  
10                    
11                  Original Signature

12  
13                  Jonathan Paul Catlin  
14                  c/o PO Box 313  
15                  Naples, Idaho  
16                  Cell: 208-627-3950  
17                  e-mail: myfriendsthousand@gmail.com  
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19                  *In Proper Person*  
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## Exhibit A

## AFFIDAVIT OF JONATHAN PAUL CATLIN

STATE OF IDAHO )  
 ) ss  
COUNTY OF BONNER )

Comes now, Jonathan Paul Catlin, your Affiant, being competent to testify and being over the age of 21 years of age, after first being duly sworn according to law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

1. Affiant has not been presented with any contract or agreement that presents Affiant and Northland Group, Inc. as parties to said contract or agreement.
2. Affiant has never given express consent to Northland Group, Inc. to call Affiant or Affiant's personal cell phone.
3. From November 2013 through December 2013, Affiant received no less than 15 calls from Northland Group, Inc. (caller ID number 866-572-8959) on his personal cell phone (phone number 585-348-0991) (see attached). Affiant believes these calls to have been placed using an automatic telephone dialing system.

Further, Affiant sayeth naught.

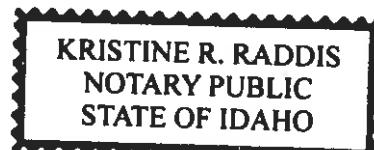
*Jonathan Paul Catlin*  
\_\_\_\_\_  
Jonathan Paul Catlin

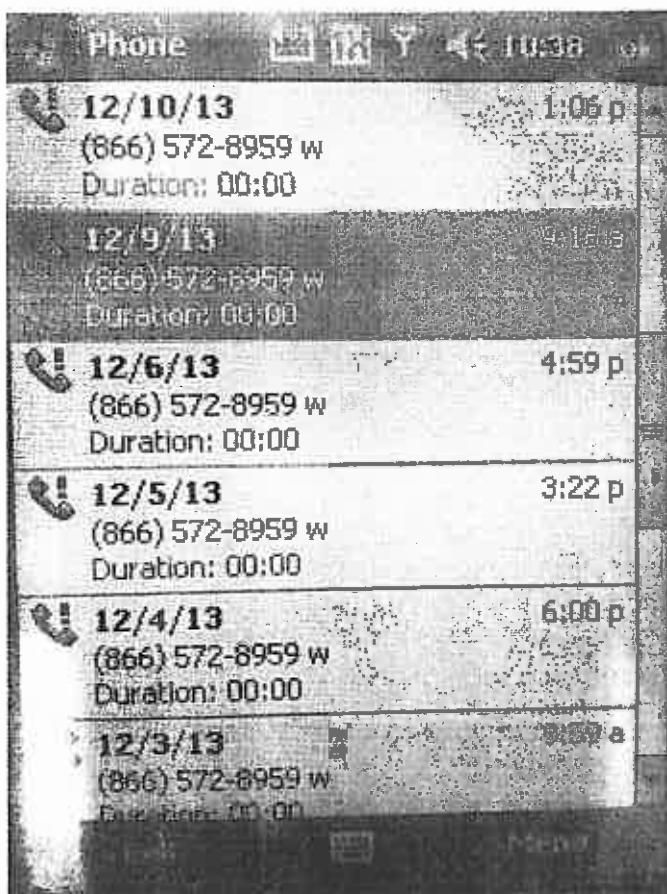
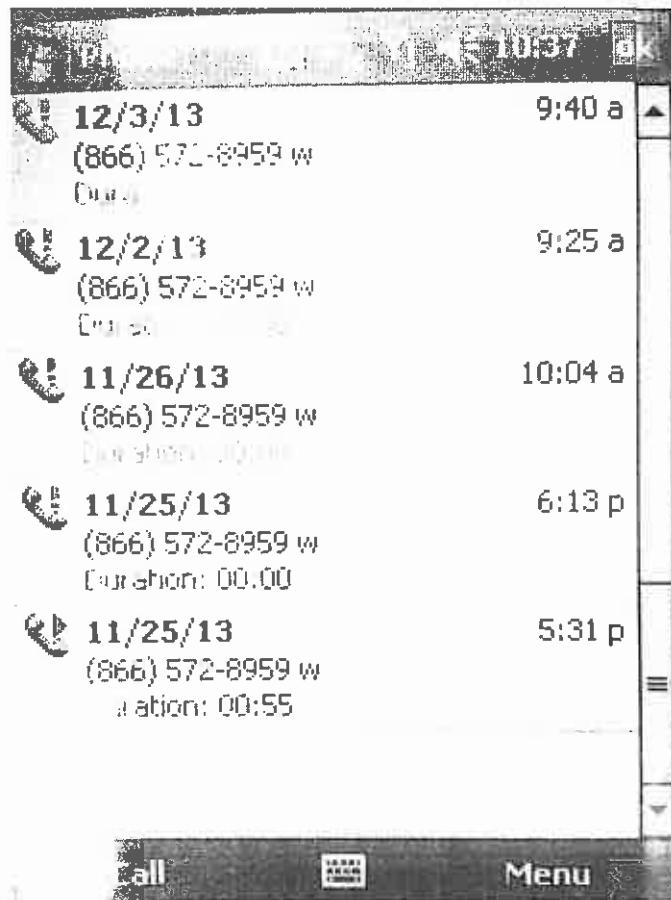
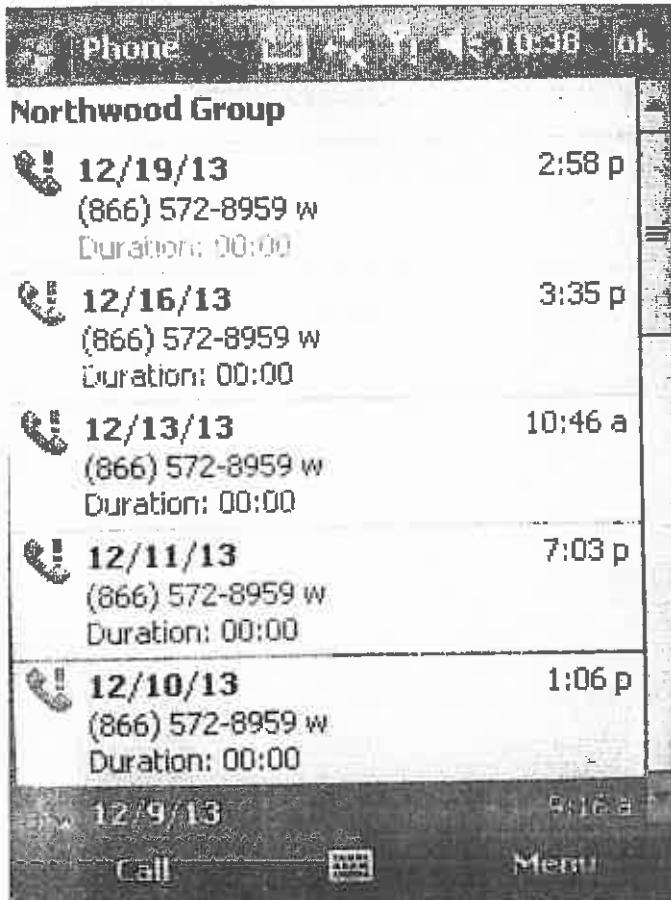
*1/22/16*  
\_\_\_\_\_  
Date

State of Idaho  
County of Bonner

Subscribed and sworn to (or affirmed) before me on this 22 day of January, 2016 by Jonathan Paul Catlin, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

*Kristine R. Raddis*  
\_\_\_\_\_  
Notary Public Comm exp 10/14/17  
(Seal)





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AMOUNT  
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Jessie C. Dunn  
P.O. Box 313  
Mullan, ID 83847



Clerk, US District Court  
United States Courthouse  
100 State Street  
Rochester, NY 14614-1387